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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,574

02/12/2007

Tomiyasu Ueta

21581-00361-US1

9012

30678

7590

06/09/2009

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EXAMINER

VALDEZ, DEVE E

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,574	Applicant(s) UETA ET AL.	
	Examiner DEVE VALDEZ	Art Unit 4151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____. |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/19/2007, 12/03/2007, 07/18/2006.

DETAILED ACTION

Claim Rejections - 35 USC § 102

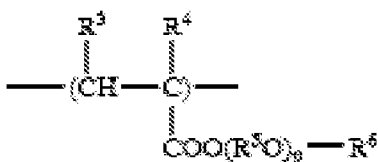
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al. (U.S. Publication Application 2003/0199616, hereinafter Yamashita).

3. Regarding claims 1, 4, 5, 7, and 9-11, Yamashita teaches a cement admixture comprising two polymers A and B wherein the polymer (B) is an oxyalkylene group or polyoxyalkylene group and carboxyl group-containing polymer [0019]. Also, the cement admixture wherein the constituent unit (III) derived from an unsaturated monocarboxylic acid ester monomer (c) is a constituent unit (IV) derived from a (poly) alkylene glycol mono(meth) acrylic acid ester monomer [0028].



wherein R^3 and R^4 are the same or different and each represents a hydrogen atom or a methyl group, the p R^5O groups are the same or different and each R^5O represents an

Art Unit: 4151

oxyalkylene group containing 2 to 18 carbon atoms, p is a mean addition number of moles of the oxyalkylene groups and represents a number of 1 to 500, and R^6 represents a hydrogen atom or a hydrocarbon group containing 1 to 30 carbon atoms [0029]. The unsaturated (poly) alkylene glycol ether monomer used are mixtures of methoxy (poly) propylene glycol and methoxy (poly) butylene glycol allyl ether [0108]. The (poly)alkylene glycol mono(meth)acrylic acid ester monomer, which provides the constituent unit is used as the unsaturated monocarboxylic acid ester monomer wherein p is not less than 2 and R^6 is a hydrogen atom such as polypropylene glycol mono(meth)acrylate and polybutylene glycol mono(meth)acrylate [0115].

4. Regarding claim 2, Yamashita teaches the cement admixture wherein the ratio of the acid value of the polymers is 0.4-3.0 [0078].
5. Regarding claim 3, Yamashita teaches the polymers of the cement admixture having a molecular weight of 10,000 [0166].
6. Regarding claim 6, 8, and 12, Yamashita teaches the cement admixture the ratio between the polymers (A) and (B), namely the mixing ratio (polymer (A)/polymer (B)) (% by mass), is 1 to 99 and 99 to 1 [0167, 0186].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVE VALDEZ whose telephone number is (571)270-7738. The examiner can normally be reached on Mon-Thurs, 7:30pm-5:00pm EST.

Art Unit: 4151

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on (571)272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DEVE VALDEZ/

/Katarzyna Wyrozebski/
Primary Examiner, Art Unit 1796